CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

DECEMBER 4, 2007

INVOCATION:
Captain Bob Louangamath of The Salvation Army gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Ortiz, Director of Public Works/City Engineer Whitehead, Police Chief Macagni, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Community Development Lindsey, Director of Administrative Services Snodgrass, Planner III Scott, Senior Assistant City Attorney Stockton, and Chief Deputy City Clerk Perez.

RESOLUTION COMMENDING KEN SCHNELL
Mayor Lavagnino read a resolution commending Information Technology Manager Kenneth Schnell for 26 years of outstanding service to the City of Santa Maria and congratulating him on his retirement.

Resolution No. 2007-159 was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2007-159 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING INFORMATION TECHNOLOGY MANAGER, KENNETH SCHNELL, FOR 26 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

Mayor Lavagnino presented the resolution to Ken Schnell and thanked him for his many years of service to the City.

Ken Schnell thanked the City Council, City Manager Ness, Administrative Services Director Snodgrass, and Assistant City Manager Haydon for their support and friendship over the years.

City Manager Ness thanked Ken Schnell for all his hard work. Ken is one of the most effective managers he has worked with. He is truly the go-to guy for the City and always available 24-7. It will be very difficult to replace him.

PUBLIC COMMENT
Tom Fayram, County Flood Control District, gave a brief update on the efforts of the Santa Maria Levee. The Zaca Fire changed how the Flood Control District looked at the Levee. He explained some of the actions they have taken. They have completed all

their initiatives coming out of the fire and going into the winter. He thanked the City for working with them and partnering with them. They are ready for this winter.

CONSENT CALENDAR
Consent Calendar Items A through K were approved on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 20, 2007, were approved as corrected.

C. PERSONNEL CHANGES
Resolution No. 2007-160 was adopted authorizing adjustments to the salary ranges for classifications associated with the newly created Dispatcher I classification.

Resolution No. 2007-160 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING ADJUSTMENTS TO SALARY RANGES.

D. WARRANTS
Warrant Nos. 138430 to 138680 in the amount of $3,786,708.54 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 137791, 138264, 138312, and 138411 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. ORDINANCE NO. 2007-23
Council conducted the second reading of Ordinance No. 2007-23 changing the zoning of property for the McCoy/Depot project located north of West McCoy Lane, west of South Depot Street, south of Century Street, and east of the Santa Maria Valley Railroad and adopted the ordinance.

Ordinance No. 2007-23 adopted. AN ORDINANCE OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING APPROXIMATELY 6.5 ACRES OF PROPERTY LOCATED NORTH OF WEST MCCOY LANE, WEST OF SOUTH DEPOT STREET, SOUTH OF CENTURY STREET AND EAST OF THE SANTA MARIA VALLEY RAILROAD, GPZ-2006-007, E-2007-035, ASSESSOR'S PARCEL NO. 111-060-024 (6.5 ACRES).

G. ORDINANCE NO. 2007-24
Council conducted the second reading of Ordinance No. 2007-24 adopting the 2007 California Fire Code with amendments and adopted the ordinance.

Ordinance No. 2007-24 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REPEALING CHAPTER 9-3 OF TITLE 9 OF THE SANTA MARIA MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 9-3 OF TITLE 9 OF THE SANTA MARIA MUNICIPAL CODE.

H. EXTENSION OF AUTHORITY

Resolution No. 2007-161 was adopted approving a request to extend the obligation authority of Caltrans for an additional year to fund the preliminary engineering phase for the Santa Maria Valley Railroad Multi-Purpose Trail, Phase II project.

Resolution No. 2007-161 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A REQUEST TO EXTEND THE OBLIGATION AUTHORITY OF CALTRANS TO FUND THE PRELIMINARY ENGINEERING PHASE OF THE SANTA MARIA VALLEY RAILROAD MULTI-PURPOSE TRAIL, PHASE II.

I. PARKING RESTRICTION

Resolution No. 2007-162 was adopted approving a parking restriction of vehicles over six feet in height along the southerly right-of-way of Canal Street between Blosser Road and Railroad Avenue.

Resolution No. 2007-162 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A PARKING RESTRICTION OF VEHICLES OVER SIX FEET IN HEIGHT ON CANAL STREET, PURSUANT TO SECTION 22507 OF THE CALIFORNIA VEHICLE CODE.

J. LIMITED TIME PARKING

Resolution No. 2007-163 was adopted approving the establishment of one-hour limited time parking zones on Roemer Way and Roemer Court.

Resolution No. 2007-163 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A ONE-HOUR LIMITED TIME PARKING ZONE ON ROEMER COURT PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

K. NO STOPPING ZONE

Resolution No. 2007-164 was adopted extending the no stopping zone on Centerpointe Parkway near Lakeside Parkway.

Resolution No. 2007-164 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, EXTENDING AN EXISTING NO STOPPING ZONE ON CENTERPOINTE PARKWAY PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

PRESENTATION BY FUTURE LEADERS OF AMERICA

Patricia Solorio, Program Coordinator for Future Leaders of America Santa Barbara County North and the Youth Council, gave an overview of Project Access Youth Coalition. Project Access Youth was funded by the Santa Barbara County Alcohol and Drug Program (ADP). Future Leaders of America (FLA) has been working closely with the Santa Maria Police Department and the Department of Alcohol Beverage Control. In 2006, the Merchant Education project was initiated with an assessment of 10 stores that sold alcohol in Santa Maria. The stores were graded on signage of alcohol ads, placement of product, and whether the ads were targeted to youth. Out of the 10 stores assessed, only 2 had scores above 70. The Youth Coalition followed up their initial assessment approximately one month later with a report card and recommendations for the merchants. The majority of the merchants were very receptive and grateful for the input. The Youth Coalition returned to these same businesses to re-assess and verify whether or not they had implemented any of the recommendations. After completing the assessments, the Coalition found that all but one location had improved their scores. Throughout the time that the assessments were being done, the Santa Maria Police Department conducted minor decoy sting operations.

The final findings were presented and four businesses were recognized that did an exceptional job at implementing the recommendations provided by the Youth Coalition. Those businesses were Benwiley Market at 408 N. Benwiley, La Chiquita at 1635 N. Broadway, Battles Mini Market at 1614 Battles Road, and The Little Store at 501 E.

Boone Street. Certificates of Appreciation from the Mayor were presented to each of the four businesses.

REFUGIO TOWNHOMES

Director of Community Development Lindsey gave the staff report. He reviewed the actions to be taken by the City Council including adopting a Mitigated Negative Declaration of Environmental Impact and approval of the tentative tract map. The applicant is requesting a tentative tract map to allow subdivision of the 7.2 acre site into 126 lots on a vacant parcel located at the northwest corner of West McCoy Lane and Professional Parkway. The subdivision would facilitate construction of 125 townhome units on individual lots. The residential lots would range in size from 958 to 1,957 square feet. One 3.64 acre common lot would contain guest parking, private drives, a clubhouse, a pool, a tot lot, and landscaped open space areas. Commercial uses are to the east, and a mix of commercial and industrial uses are to the north. Adjacent to the west is the Somerset Gardens residential townhome community. The Refugio development would contain a mix of two- and three-story townhome units. The developer proposes four basic floor plans, all of which are three bedroom townhomes ranging from 1,192 square feet to 1,555 square feet in size. Because the lots sizes are smaller than the standard minimum lot size for the R-3 zoning district, the Tentative Tract Map must be approved by the City Council.

The proposed project is not anticipated to have a negative impact on the community. A traffic impact study which analyzed a larger 174 unit townhome development scenario on the subject site was completed in September 2007. The traffic study was reviewed by the Department of Public Works, Engineering Division. The scope of the traffic analysis included potential cumulative traffic impacts resulting from the Kohl's Shopping Center, the Walgreens/Medical office center site as well as a 174 unit townhome development on the Refugio site. The traffic impact study area included the intersections at Skyway Drive/West McCoy Lane; Professional Parkway/West McCoy Lane, and the Broadway/West McCoy Lane intersection. A traffic analysis concluded that a 174 unit townhome scenario would result in no reduction of level of service; therefore, there will be no significant adverse traffic impacts. The current 125 unit townhome proposal results in less of an impact. The traffic impact study conclusions are summarized in the memorandum from the Department of Public Works, Engineering Division.

During the initial public review and public hearing period in the fall of 2006, an outpouring of concern was expressed by members of the community, especially by many residents of the adjacent Somerset Gardens community. In the intervening months, the applicant and project consultant held several meetings with community representatives and residents. As a result, the proposed development has been reduced from 130 townhome units to the current 125 unit townhome proposal. In addition, comments from residents of the Somerset Gardens community, pertaining to building separation from the Somerset Gardens' property line, building architecture, and internal site design have been incorporated into the Refugio design. The current design of the Refugio townhome development better reflects community input, and the vast majority of the concerns that were previously expressed appear to have lessened substantially. The applicant's community outreach efforts have been recognized by the Planning Commission. The private streets within the Refugio townhome development will include the names of two Honored Santa Maria Area Fallen Veterans: Carrasco Way and Castillo Way.

The Planning Commission found the design of the Refugio townhome development proposal to be consistent with Municipal Code Chapter 12-46 which establishes the development standards for Planned Unit Development proposals. A Planned Development (PD) Permit (PD-2006-004) is being processed concurrently with the tentative map. However, the Planned Development Permit cannot be approved until the environmental document and tentative map are approved by the City Council. On November 7, 2007, the Planning Commission held a public hearing and adopted Resolution No. 2485, recommending that the City Council file the mitigated negative declaration, and Resolution No. 2486 recommending that the City Council approve the tentative map. Both of the recommendations were approved on a unanimous 5-0 vote.

Mayor Lavagnino opened the public hearing.

Laurie Tamura, Urban Planning Concepts representing the applicant, gave an overview of the architectural elements and layout of the proposed project. She explained what steps had been taken to address the concerns of the residents of Somerset Gardens including an increased rear yard setback and windows that are higher than normal. The community facilities and pool were placed in the center of the complex.

Dave Wilkes spoke on behalf of his mother-in-law who resides in Somerset Gardens. He said the way the project was presented was totally different than what it was originally. The biggest issue is the traffic at the intersection of Broadway and McCoy. This project will add another 125 units of traffic. Right now the people who live in Somerset Gardens have a difficult time turning left onto McCoy. The traffic issue needs to be addressed.

Public Works Director/City Engineer Whitehead explained that there was a very exhaustive traffic study conducted for this project. He explained the estimated number of peak-hour trips in and out of the proposed project. The traffic study showed that there was a lot of traffic on McCoy Lane and the intersection at Broadway and McCoy Lane was very busy; however, the added number of trips from this project was relatively minor. He also explained what the various levels of service meant and how it was calculated. The City of Santa Maria required that the level of service fall to Level D before any significant measures are required. For this project, the traffic study analysis found that the level of service would not change.

Councilmember Trujillo asked if they were market-type apartments.

Ms. Tamura replied that they were homeownership units that would be for sale.

Councilmember Zacarías asked if the Public Works Department could do another study after the project was built. She talked about the traffic on McCoy Lane presently.

Councilmember Patino stated on McCoy from Broadway to Skyway Drive there were no traffic lights. She asked if one was being proposed of this project. She said she hated to see more traffic on McCoy Lane. She felt there should be enough money collected in mitigation fees to fix the problem. She asked why there was not a median installed on McCoy Lane.

Director Whitehead stated there were no additional traffic lights proposed on McCoy Lane at this time. There were several intersections where traffic lights could be installed. He explained that a median had not been installed to allow left-turn access into Kohl's and Walgreens.

Mayor Lavagnino suggested Public Works take a look at the left-turn into Kohl's and see if that needed to be changed.

Councilmember Trujillo stated he agreed that traffic was a problem and something needed to be done. He felt the Council needed to find a fix before approving the project.

Director Whitehead stated he heard three concerns: 1) left-turn access into Kohl's and Walgreens; 2) another traffic signal on McCoy Lane; 3) speeds on McCoy Lane; 4) because of speeds and amount of traffic, it is difficult for people exiting Somerset Gardens to make a left turn onto McCoy towards Broadway. They looked at a traffic signal on Professional Parkway; however, it is too close to Broadway. They can continue to look at other intersections where a traffic signal may be installed. He explained that when Depot Street goes through, that would be a location where a traffic signal might be warranted.

Councilmember Orach stated the Council had just approved the zone change for the McCoy/Depot project. People do speed down McCoy Lane because there are no traffic signals. A traffic signal on Depot might be the best alternative. He said he didn't want to hold up a project that has been in the works for so long.

George Kokkinakis, owner of Rusco and a resident of Somerset Gardens, stated that Somerset Gardens only had one way in and one way out. He commended the project designers for having the ingress and egress on Professional Parkway and Coley rather than McCoy Lane. He complimented the applicants for the aesthetics of the project. He recommended the Council approve the project.

Ms. Tamura stated they worked hard with the community, especially with the residents of Somerset Gardens, to address everyone's concerns. The project transitions well from the commercial to the residential. The project will pay a substantial amount of traffic mitigation fees which would help off-set the costs of traffic signals. Also, the City might look at the timing of the traffic signals at the intersection of Broadway and McCoy Lane.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Mayor Lavagnino suggested the Public Works Director contact Caltrans regarding the timing of the traffic signal on Broadway and also look at a traffic signal at Depot.

Public Works Director Whitehead stated he would look at a traffic signal at Depot immediately.

Councilmember Patino asked how the CC&R's would be enforced.

Ms. Tamura explained that the project was required to record CC&R's. There would be a homeowners association and a management company that would provide oversight of the homeowners association.

Councilmember Trujillo stated he had two problems with the project, one was the density and the other was the traffic. He said he was disappointed that the residents of Somerset Gardens were not present. He wanted to see the Public Works Department to work aggressively to address the traffic problem from Skyway to Broadway.

Councilmember Zacarías stated she was very pleased with the density of the project because it gave more people the opportunity to become homeowners. She commended the applicants for working so hard with the Somerset Gardens residents.

Councilmember Orach asked about radar enforcement on McCoy Lane and how difficult it would be to increase radar enforcement.

Chief of Police Macagni stated the Police Department was already addressing traffic on McCoy Lane. They would be having a higher presence in that area to slow people down. They have seen speeds of 75 miles per hour on McCoy Lane. It is one of the problem areas the Department is addressing.

Mayor Lavagnino stated there had to be some fundamental fairness to the applicant. The density is consistent with the General Plan for the property. The project will be very nice looking. Because of the Regional Housing Needs Assessment that the State was imposing on cities, these types of projects were necessary. He felt looking at a traffic signal on Depot Street was important.

Mayor Lavagnino read a letter from Linda Smith regarding traffic on McCoy Lane and opposing the project.

Resolution No. 2007-165 authorizing the filing of a Mitigated Negative Declaration of Environmental Impact for E-2006-011 was adopted on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None

ABSENT: None
ABSTAIN: None

Resolution No. 2007-165 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (E-2006-011) AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE REFUGIO TOWNHOME DEVELOPMENT PROPOSAL, TRACT 5905, LOCATED AT THE NORTHWEST CORNER OF WEST MCCOY LANE AND PROFESSIONAL PARKWAY.

Resolution No. 2007-166 approving the tentative tract map for the Refugio Townhomes was adopted on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-166 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE TENTATIVE MAP FOR THE REFUGIO TOWNHOME DEVELOPMENT, TRACT 5905, LOCATED AT THE NORTHWEST CORNER OF WEST MCCOY LANE AND PROFESSIONAL PARKWAY.

ZONING TEXT AMENDMENTS

Senior Assistant City Attorney Stockton gave the staff report. On December 19, 2006, the City Council approved Santa Maria's updated Housing Element of the General Plan. The Council's approval occurred just after the State of California Department of Housing and Community Development certified the element. In order to make housing opportunities equally available to all members of the community, Santa Maria's element stated that the City would adopt specific reasonable accommodation procedures to provide exceptions in zoning and land use for persons with a disability by December 31, 2007. In order to make housing opportunities available to Santa Marians of all income levels, consistent with the public health and safety and good planning practices, Santa Maria's element also stated that the City would adopt regulations to provide for single-room occupancies by December 31, 2007. The proposed ordinances are designed to implement those housing-related commitments.

The Reasonable Accommodation Ordinance would add Chapter 50 to Title 12 of the Santa Maria Municipal Code. Chapter 50 creates a procedure by which a person may request a reasonable accommodation as to zoning or land-use in order to make specific housing available to a person(s) with a disability. The proposed ordinance is based on a model ordinance prepared by Mental Health Advocacy Services, Inc., for use by local governments, as well as a reasonable accommodation ordinance enacted by the City of Hanford. It is designed to achieve the following objectives: create a procedure for requesting reasonable accommodation that is available to persons with disabilities, their representatives, and providers of housing for persons with disabilities; charge no fee; request only non-confidential information for use in making a determination about reasonable accommodation requests; safeguard the privacy of individuals who use the procedure; use criteria that conform to Federal and State fair housing laws; provide for written determinations and explanations; limit the time within which to make a reasonable accommodation decision; and provide for a prompt appeal.

In summary, the amendment would declare the City's purpose to comply with the law, to make housing opportunities available via an accommodations procedure, and not to require use of the procedure; define relevant terms; provide for notice of availability of the reasonable accommodations process; enact a reasonable accommodations procedure and provide for assistance in using the procedure; include confidentiality procedures; specify timeframes for decision making, and require a written decision; use decision making criteria prepared to assist local jurisdictions in complying with fair housing laws by Mental Health Advocacy Services, Inc.; provide for appeals within a quick timeframe; and prohibit fees.

The Single-Room-Occupancy Unit Ordinance would add Chapter 51 to Title 12 of the Santa Maria Municipal Code. Chapter 51 defines single-room occupancies. As defined

in the ordinance, single-room occupancy unit means "a building or structure containing one or more dwelling units used, constructed and maintained to comply with the Efficiency Dwelling Unit requirements of the current California Building Code. Single-room occupancy unit also means a dwelling unit as described by Health and Safety Code §17958.1 (or successor section), for occupancy by no more than two persons which has a minimum floor area of 150 square feet and which may also have kitchen or bathroom facilities as approved by the Planning Commission." The proposed ordinance also defines related terms and provides for establishment of single-room occupancy units in the original four-square-mile area of the City via a planned-development permit and specified standards. The proposed ordinance is based on a staff review of 13 California municipal ordinances regarding single-room occupancy. This research revealed a wide range of how single-room occupancies have been addressed. Staff has steered a middle course with the proposed ordinance. It defines single-room occupancy unit and related terms. In addition, it specifies development standards for these occupancies, including parking, landscaping, common open space and recreational amenities. At the same time, it allows the Planning Commission flexibility to vary from the standards through the planned-development process, in order to recognize good design. Finally, the ordinance encourages preservation of decent single-room occupancy unit stock by requiring annual inspections. In summary, the amendment would establish the single-room occupancy overlay district; describe the purpose of the ordinance – to facilitate construction and conversion of single-room occupancy units; define single-room occupancy and related terms; specify where single-room occupancies may be established; set standards for single-room occupancies, but allow the Planning Commission to vary the standards in a planned-development permit; and subject single-room occupancy units to annual inspection.

The Planning Commission held a public hearing to consider the proposed Reasonable Accommodation Ordinance on October 3, 2007, and unanimously recommended approval of the negative declaration of environmental impact, as well as the accompanying ordinance. On November 7, 2007, the Commission held a public hearing to consider a negative declaration and the proposed single-room-occupancy unit ordinance. At the close of the hearing, the Commission unanimously recommended approval of the negative declaration and single-room-occupancy unit ordinance.

Mayor Lavagnino asked if the single-room occupancy would include conversion of motel rooms.

Senior Assistant City Attorney Stockton explained that could be one way to provide the single-room occupancy.

Councilmember Zacarías stated she was concerned with the boundary limitations that were being placed on the single-room occupancies. There might be other places in the City where this type of housing might be appropriate.

Mayor Lavagnino asked if there was a reason it was limited to the four-square miles of the City.

Ms. Stockton stated she looked to Community Development for guidance on that.

Community Development Director Lindsey stated when the City adopts a new ordinance and do not know what impact it might have, they try to limit it to areas that are already established such as the four-square mile area. It was a middle-of-the-road approach to begin with. It could be applied to the entire City.

Councilmember Patino asked if a person could convert a three or four bedroom home to a single-room occupancy.

Senior Assistant City Attorney Stockton stated it would require a Planned Development Permit and would have to meet all the requirements of the ordinance.

Councilmember Zacarías asked if she could turn her spare bedrooms into single-room occupancies.

Community Development Director Lindsey stated she could submit an application, and it would be considered.

Councilmember Zacarías stated that concerned her, especially in some of the overcrowded areas of the City. She could not support the ordinance with the boundary limitations presented in the ordinance.

Mayor Lavagnino opened the public hearing.

Joan Leon, Santa Maria Community Coalition, stated they supported the reasonable accommodation ordinance. They submitted a list of questions after reviewing the staff report which were answered by Senior Assistant City Attorney Stockton. She gave an overview of the questions and answers. She suggested the City work with the school district to ensure that it did not impact the schools.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Mayor Lavagnino stated he had no problem with the reasonable accommodation ordinance, but he felt the single-room occupancy ordinance would create a real danger for the City.

Councilmember Patino talked about how the schools track students. There are several families living in single-family homes all over the City. The ordinance may or may not have an impact on the schools.

Councilmember Zacarías stated she supported the idea of the single-room occupancies but would like to see more work done on it.

Resolution No. 2007-167 authorizing the filing of a Negative Declaration of Environmental Impact for E-2007-060 was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-167 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, FINDING NO DETRIMENTAL ENVIRONMENTAL IMPACT AND DIRECTING THE FILING OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT REGARDING AMENDMENTS ADDING CHAPTER 50 TO TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, E-2007-060, Z-2007-005.

Ordinance No. 2007-25 adding Chapter 50 to Title 12 of the Municipal Code related to Reasonable Accommodations was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance no. 2007-25 introduced: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 12-50 TO THE SANTA MARIA MUNICIPAL CODE, RELATING TO REASONABLE ACCOMMODATION.
No action was taken on Resolution No. 2007-168 authorizing the filing of a Negative Declaration of Environmental Impact for the Single-Room Occupancy Ordinance and Ordinance No. 2007-26, Single-Room Occupancy.

ALCOHOLIC BEVERAGE LICENSE – 717 EAST MAIN STREET

Director of Community Development Lindsey gave the staff report. This item was scheduled for the November 7, 2007, City Council meeting; however, the applicant requested the item be removed from the agenda to review the license application further. The Department of Alcoholic Beverage Control (ABC) has indicated that if a finding of public convenience or necessity is to be made, the City Council must take action within 90 days of the date of application or December 30, 2007. Otherwise the alcoholic beverage license can be issued by ABC. Carniceria El Amigo Abad is located in a small shopping center that contains a Longs Drug Store, offices, a donut shop, an exercise studio, a pizza take-out restaurant, and other small businesses. A unit of approximately 1,000 square feet within the shopping center is being refurbished to accommodate a small market. The applicant states that meat, vegetables, tacos, drinks, frozen foods and dry foods would be offered for sale. The applicant estimates that alcoholic beverages will account for approximately 20 percent of total sales. The Police Department filed a written protest with the ABC Board for the following reasons. The store will be located in an area of undue concentration of crime and an undue concentration of liquor licenses. Section 23958 of the Business and Professions Code states that a crime reporting district that exceeds the average number of reported crimes by the City by 20 percent is considered an area of undue concentration of crime. The average rate of reported crimes per reporting district in the City is 38. The average plus 20 percent is 45.6. The number of reported crimes in this Crime Reporting District for the period of May 1, 2006, through May 1, 2007, was 63, which exceeds the limit, and places the property in an area of undue concentration of crime. Additionally, this property is located in Census Tract 22.06 which is an area of undue concentration of off-sale alcoholic beverage licenses. The ABC Board reports that the number of off-sale licenses authorized in the Census Tract is four, and that there are five existing licenses. Staff is recommending that the City Council find that the public convenience or necessity would not be served by the issuance of the license and go on record as protesting the issuance of the alcoholic beverage license.

Abad Barrera, the applicant, spoke through an interpreter, stated he had been in business since 1994 at 900 W. Main Street. An opportunity came up for him to open his own market in an area where there is less concentration of markets. It has been a learning experience for them. They acknowledged that it was an area of crime, but he planned to do safety fairs and try to lower the crime rate in the area. They requested they obtain a more detailed breakdown of the crime in the area. The license applied for is for off-sale beer and wine and only one of the existing licenses is off-sale beer and wine. They wanted to offer beer and wine so customers would not have to make a second stop. It would be a convenience to his customers, not a main source of income. They want to become more involved in the community.

Councilmember Patino stated she really appreciated what he was trying to do. Unfortunately, he did not have control over the people who purchased the alcohol.

Councilmember Zacarías thanked them for coming. She said she was looking forward to having a butcher shop.

On motion by Councilmember Patino, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Council affirmed the protest filed by the Police Department to the issuance of the alcoholic beverage license for Carniceria El Amigo Abad at 717 East main Street and declined to make a finding of public convenience or necessity because the property is located in a crime reporting district that has an undue concentration of crime in the City and in a census tract where the number of existing off-sale liquor licenses already exceeds the number of licenses that would be allowed; the Police Department recommends against

making a finding of public convenience or necessity; and the applicant has not demonstrated public convenience or necessity.

CITY MANAGER'S REPORT
City Manager Ness reported on items for the December 18, 2007, City Council meeting including the Lights, Sights, and Holiday Nights Award Winners recognition, and a resolution commending Police Commander Rad Mawhinney who will be retiring, public hearings for the Santa Maria Public Airport Business Park Specific Plan and a Tentative Tract Map for Sevilla, Tract 5924; as well as a request for waiver of permit fees for St. Jude Children's Hospital and an ABC License for Liquor Plus at 2160 S. Bradley.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Orach reported on his attendance at a Team-Building workshop in Montecito. He talked about the new signs that were being installed on Highway 101. He also mentioned the new decorations along Broadway which Robert Dickerson was instrumental in getting. He also mentioned a dedication ceremony on December 7th at the Abel Maldonado Center to honor veterans.

Councilmember Zacarías reported on the Christmas Parade and her attendance at the Team-Building Workshop at Casa de Maria.

Councilmember Trujillo announced that the evening Rotary Club feed the homeless women at the Women's shelter, and each time there seems to be more children. Cabrillo Management Company opened an office on the 27th of November to help people going through bankruptcy. He also reported on the Team-Building Workshop.

Councilmember Patino reported on the Team-Building Workshop and on a candle-light vigil during National Methamphetamine Month. Saturday night she participated in the Christmas Parade.

Mayor Lavagnino reported on the parade and the candle-light vigil. He also attended the Cabrillo open house. The City Council as a team attended a League of California Cities retreat at Casa de Maria in Montecito with the City Attorney, City Manager and Assistant City Manager. He said it showed him how well-run the City is and how congenial the City Council is.

CLOSED SESSION
Council recessed to Closed Session at 9:10 p.m. for Conference with Legal Counsel - regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District (SMVWCD) v. City of Santa Maria; and Conference with Labor Negotiator pursuant to Section 54957.6 of the Government Code; Agency representative: Assistant City Manager; Employee organizations: Service Employees International Union (SEIU), Local 620, and Santa Maria Police Officers Association (SMPOA); and Public Employee Performance Evaluations and Conference with Labor Negotiator pursuant to Subsection (e) of Government Code Section 54957 and 54957.6: Agency representative: Mayor; Employee Titles: City Manager and City Attorney.

After the Closed Session, the following was announced:

Conference with Legal Counsel regarding SMVWCD v City - Status report was given.

Conference with Labor Negotiator: SEIU – Direction to staff was provided.

Conference with Labor Negotiator: SMPOA – Direction to staff was provided.

Public Employee Performance Evaluation: Council performed evaluations.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 9:59 p.m. to a Special City Council

meeting on Wednesday, December 5th at 2:00 p.m. in the Dorothea Nelson Room for the purpose of providing mandatory Sexual harassment Training.

APPROVED

December 18, 2007
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria